IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 19187 of 2007(H)

PETITIONER:

JAMES, SON OF AUGUSTHY,
PEZHUMTHOTTAM HOUSE, KOPRAKALAM,
ELAMKULAM, PONKUNNAM.

BY ADV. SRI.V.G.ARUN

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
PONKUNNAM P.O.

2. SANTHOSH, SON OF APPACHAN,
MOOKIKKATTU HOUSE, NARIYANI P.O.,
PONKUNNAM.

3. SAJI, SON OF APPACHAN, DO.

4. ULLAS, SON OF APPACHAN, DO.

5. JOICE, MATTATHUKUNNEL HOUSE,
NARIYANI P.O., PONKUNNAM.

BY GOVERNMENT PLEADER ADV.SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

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W.P.(C). No.19187 Of 2007

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Dated this the 30th day of July, 2007

JUDGMENT

The short grievance of the petitioner is that no proper investigation is being conducted into the crime No.127/07 by the 1st respondent- Investigating Officer. That crime was registered on the basis of a private complaint filed before the learned Magistrate and referred to the Police by the learned Magistrate under Sec.156(3) Cr.P.C.

2. The petitioner has come before this Court with a prayer to issue appropriate directions regarding the proper conduct of the investigation. Notice was given to the learned Public Prosecutor. After taking instructions, the learned Public Prosecutor submits and a report to that effect has been filed by the 1st respondent- Investigating Officer, that a proper investigation has already been conducted and negative final report has been filed before the learned Magistrate. It is for the petitioner, if he is aggrieved by the said final report, to raise his objections, it is submitted.

3. The learned counsel for the petitioner after being apprised all the events that have taken place in the crime registered at the

instance of the petitioner, submits that the petitioners shall do the needful to challenge the final report and no further directions are now necessary.

4. This writ petition is accordingly dismissed. The dismissal of this writ petition does not in any way fetter the right of the petitioner to challenge the negative final report by initiating appropriate proceedings before the learned Magistrate

(R.BASANT, JUDGE)

sj